

clarity. The words “and he shall remedy the defect or failure to comply in accordance with section 1414 of this title” in 15:1411 are omitted as unnecessary because of the source provisions restated in section 30120 of the revised title.

In subsection (d), the words “any requirement under”, “to give notice with respect to”, and “as it relates” are omitted as surplus. The words “The Secretary may take action under this subsection only” are added because of the restatement.

In subsection (e), the words “(including a manufacturer)” are omitted as surplus. The word “information” is substituted for “data” for consistency in the revised title.

AMENDMENTS

2015—Subsec. (c). Pub. L. 114-94 inserted “or electronic mail” after “certified mail” in introductory provisions.

2000—Pub. L. 106-346, §101(a) [title III, §364], which directed amendment of this section in subsecs. (a), (b)(1), and (c), by inserting “, original equipment,” before “or replacement equipment” wherever appearing, and in subsec. (c), by redesignating pars. (1) and (2) as subpars. (A) and (B), respectively, and realigning margins, by substituting “(1) IN GENERAL.—A manufacturer” for “A manufacturer”, and by adding a new par (2) relating to duty of manufacturers, was repealed by Pub. L. 106-414, §2. See Construction of 2000 Amendment note below.

CONSTRUCTION OF 2000 AMENDMENT

Pub. L. 106-414, §2, Nov. 1, 2000, 114 Stat. 1800, provided that: “The amendments made to section 30118 of title 49, United States Code, by section 364 of the Department of Transportation and Related Agencies Appropriations Act, 2001 [Pub. L. 106-346, §101(a) [title III, §364], Oct. 23, 2000, 114 Stat. 1356, 1356A-37] are repealed and such section shall be effective as if such amending section had not been enacted.”

§ 30119. Notification procedures

(a) CONTENTS OF NOTIFICATION.—Notification by a manufacturer required under section 30118 of this title of a defect or noncompliance shall contain—

- (1) a clear description of the defect or noncompliance;
- (2) an evaluation of the risk to motor vehicle safety reasonably related to the defect or noncompliance;
- (3) the measures to be taken to obtain a remedy of the defect or noncompliance;
- (4) a statement that the manufacturer giving notice will remedy the defect or noncompliance without charge under section 30120 of this title;
- (5) the earliest date on which the defect or noncompliance will be remedied without charge, and for tires, the period during which the defect or noncompliance will be remedied without charge under section 30120 of this title;
- (6) the procedure the recipient of a notice is to follow to inform the Secretary of Transportation when a manufacturer, distributor, or dealer does not remedy the defect or noncompliance without charge under section 30120 of this title; and
- (7) other information the Secretary prescribes by regulation.

(b) EARLIEST REMEDY DATE.—The date specified by a manufacturer in a notification under subsection (a)(5) of this section or section 30121(c)(2) of this title is the earliest date that

parts and facilities reasonably can be expected to be available to remedy the defect or noncompliance. The Secretary may disapprove the date.

(c) TIME FOR NOTIFICATION.—Notification required under section 30118 of this title shall be given within a reasonable time—

(1) prescribed by the Secretary, after the manufacturer receives notice of a final decision under section 30118(b) of this title; or

(2) after the manufacturer first decides that a safety-related defect or noncompliance exists under section 30118(c) of this title.

(d) MEANS OF PROVIDING NOTIFICATION.—(1) Notification required under section 30118 of this title about a motor vehicle shall be sent in the manner prescribed by the Secretary, by regulation—

(A) to each person registered under State law as the owner and whose name and address are reasonably ascertainable by the manufacturer through State records or other available sources; or

(B) if a registered owner is not notified under clause (A) of this paragraph, to the most recent purchaser known to the manufacturer.

(2) Notification required under section 30118 of this title about replacement equipment shall be sent in the manner prescribed by the Secretary, by regulation, to the most recent purchaser known to the manufacturer.

(3) In addition to the notification required under paragraphs (1) and (2), if the Secretary decides that public notice is required for motor vehicle safety, public notice shall be given by the manufacturer in the way required by the Secretary after consulting with the manufacturer. In deciding whether public notice is required, the Secretary shall consider—

(A) the magnitude of the risk to motor vehicle safety caused by the defect or noncompliance; and

(B) the cost of public notice compared to the additional number of owners the notice may reach.

(4) A dealer to whom a motor vehicle or replacement equipment was delivered shall be notified in the manner prescribed by the Secretary, by regulation.

(e) ADDITIONAL NOTIFICATION.—

(1) SECOND NOTIFICATION.—If the Secretary decides that a notification sent by a manufacturer under this section has not resulted in an adequate number of motor vehicles or items of replacement equipment being returned for remedy, the Secretary may order the manufacturer to send a 2d notification in the way the Secretary prescribes by regulation.

(2) ADDITIONAL NOTIFICATIONS.—If the Secretary determines, after taking into account the severity of the defect or noncompliance, that the second notification by a manufacturer does not result in an adequate number of motor vehicles or items of replacement equipment being returned for remedy, the Secretary may order the manufacturer—

(A)(i) to send additional notifications in the manner prescribed by the Secretary, by regulation; or

(ii) to take additional steps to locate and notify each person registered under State

law as the owner or lessee or the most recent purchaser or lessee, as appropriate; and (B) to emphasize the magnitude of the safety risk caused by the defect or non-compliance in such notification.

(f) NOTIFICATION BY LESSOR TO LESSEE.—(1) In this subsection, “leased motor vehicle” means a motor vehicle that is leased to a person for at least 4 months by a lessor that has leased at least 5 motor vehicles in the 12 months before the date of the notification.

(2) A lessor that receives a notification required by section 30118 of this title about a leased motor vehicle shall provide a copy of the notification to the lessee in the way the Secretary prescribes by regulation.

(g) INFORMATION REGARDING COMPONENTS INVOLVED IN RECALL.—A manufacturer that is required to furnish a report under section 573.6 of title 49, Code of Federal Regulations (or any successor regulation) for a defect or noncompliance in a motor vehicle or in an item of original or replacement equipment shall, if such defect or noncompliance involves a specific component or components, include in such report, with respect to such component or components, the following information:

- (1) The name of the component or components.
- (2) A description of the component or components.
- (3) The part number of the component or components, if any.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 951; Pub. L. 112–141, div. C, title I, §31310, July 6, 2012, 126 Stat. 771; Pub. L. 114–94, div. B, title XXIV, §24116, Dec. 4, 2015, 129 Stat. 1711.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30119(a)	15:1397(a)(1)(D) (related to 15:1413(a)).	Sept. 9, 1966, Pub. L. 89–563, §108(a)(1)(D) (related to §§153(a)–(c) (1st sentence cls. (1)–(5), last sentence), 154(b)(2) (2d, last sentences)), 80 Stat. 722; restated Oct. 27, 1974, Pub. L. 93–492, §103(a)(1)(A), (3), 88 Stat. 1477, 1478.
	15:1413(a).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §§153(a), (b), 154(b)(2) (2d, last sentences); added Oct. 27, 1974, Pub. L. 93–492, §102(a), 88 Stat. 1471, 1473.
30119(b)	15:1397(a)(1)(D) (related to 15:1414(b)(2) (2d, last sentences)).	
	15:1414(b)(2) (2d, last sentences).	
30119(c)	15:1397(a)(1)(D) (related to 15:1413(b)).	
	15:1413(b).	
30119(d)	15:1397(a)(1)(D) (related to 15:1413(c) (1st sentence cls. (1)–(5), last sentence)).	
	15:1413(c) (1st sentence cls. (1)–(5), last sentence).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §153(c) (1st sentence cls. (1)–(5), last sentence); added Oct. 27, 1974, Pub. L. 93–492, §102(a), 88 Stat. 1471, 1472; Oct. 15, 1982, Pub. L. 97–331, §4(b), 96 Stat. 1620.
30119(e)	15:1413(d).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §153(d), (e); added Dec. 18, 1991, Pub. L. 102–240, §2504(a), 105 Stat. 2083.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30119(f)	15:1413(e).	

In this section, the text of 15:1397(a)(1)(D) (related to 15:1413(a)–(c) (1st sentence cls. (1)–(5), last sentence), 1414(b)(2) (2d, last sentences), and 1416) is omitted as surplus.

In subsection (a), before clause (1), the words “a motor vehicle or item of replacement equipment” are omitted as surplus. The words “by a manufacturer” are added for clarity. In clause (3), the words “a statement of” are omitted as surplus. In clause (4), the word “remedy” is substituted for “cause . . . to be remedied” to eliminate unnecessary words. In clause (5), the words “(specified in accordance with the second and third sentences of section 1414(b)(2) of this title)” are omitted as surplus. In clause (6), the words “a description of” are omitted as surplus. The words “under section 30120 of this title” are added for consistency with the source provisions restated in this subsection. In clause (7), the words “in addition to such . . . as” are omitted as surplus.

In subsection (b), the words “in a notification under subsection (a)(5) of this section or section 30121(c) of this title” are substituted for “In either case” because of the restatement. The words “may disapprove” are substituted for “shall be subject to disapproval by” to eliminate unnecessary words.

In subsection (c)(1), the words “Secretary’s” and “that there is a defect or failure to comply” are omitted as surplus. The word “final” is added for clarity.

In subsection (c)(2), the words “decides that a safety-related defect or noncompliance exists” are substituted for “makes a determination with respect to a defect or failure to comply” for clarity.

In subsection (d), the text of 15:1413(c) (1st sentence words before cl. (1)) is incorporated into each paragraph as appropriate.

In subsection (d)(1)(A), the words “who is” and “of such vehicle” are omitted as surplus.

In subsection (d)(1)(B), the words “if a registered owner is not notified” are substituted for “unless the registered owner (if any) of such vehicle was notified” for clarity. The words “most recent purchaser” are substituted for “first purchaser (or if a more recent purchaser is” for clarity and to eliminate unnecessary words. The words “of each such vehicle containing such defect or failure to comply” are omitted as surplus.

In subsection (d)(3), the words “(or, if the manufacturer prefers, by certified mail)” are substituted for 15:1413(c) (last sentence) to eliminate unnecessary words.

In subsection (d)(4), the words “or dealers” are omitted because of 1:1. The words “of such manufacturer” are omitted as surplus.

In subsection (e), the word “replacement” is added for clarity and consistency with the source provisions being restated in subsection (d) of this section.

AMENDMENTS

2015—Subsec. (g). Pub. L. 114–94 added subsec. (g).

2012—Subsec. (d)(1). Pub. L. 112–141, §31310(a)(1), substituted “in the manner prescribed by the Secretary, by regulation” for “by first class mail” in introductory provisions.

Subsec. (d)(2). Pub. L. 112–141, §31310(a)(2), substituted “shall be sent in the manner prescribed by the Secretary, by regulation,” for “(except a tire) shall be sent by first class mail” and struck out second sentence which read as follows: “In addition, if the Secretary decides that public notice is required for motor vehicle safety, public notice shall be given in the way required by the Secretary after consulting with the manufacturer.”

Subsec. (d)(3). Pub. L. 112–141, §31310(a)(3), struck out first sentence which read “Notification required under section 30118 of this title about a tire shall be sent by

first class mail (or, if the manufacturer prefers, by certified mail) to the most recent purchaser known to the manufacturer.” and inserted “to the notification required under paragraphs (1) and (2)” after “addition” and “by the manufacturer” after “given” in introductory provisions.

Subsec. (d)(4). Pub. L. 112-141, §31310(a)(4), substituted “in the manner prescribed by the Secretary, by regulation” for “by certified mail or quicker means if available”.

Subsec. (e). Pub. L. 112-141, §31310(b), substituted “Additional” for “Second” in subsec. heading, designated existing provisions as par. (1), inserted par. heading, and added par. (2).

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

IMPROVEMENTS IN AVAILABILITY OF RECALL INFORMATION

Pub. L. 114-94, div. B, title XXIV, §24103(a), Dec. 4, 2015, 129 Stat. 1702, provided that: “Not later than 2 years after the date of enactment of this Act [Dec. 4, 2015], the Secretary shall implement current information technology, web design trends, and best practices that will help ensure that motor vehicle safety recall information available to the public on the Federal website is readily accessible and easy to use, including—

- “(1) by improving the organization, availability, readability, and functionality of the website;
- “(2) by accommodating high-traffic volume; and
- “(3) by establishing best practices for scheduling routine website maintenance.”

NOTIFICATION IMPROVEMENT

Pub. L. 114-94, div. B, title XXIV, §24104(a), Dec. 4, 2015, 129 Stat. 1703, provided that:

- “(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act [Dec. 4, 2015], the Secretary shall prescribe a final rule revising the regulations under section 577.7 of title 49, Code of Federal Regulations, to include notification by electronic means in addition to notification by first class mail.
- “(2) DEFINITION OF ELECTRONIC MEANS.—In this subsection, the term ‘electronic means’ includes electronic mail and may include such other means of electronic notification, such as social media or targeted online campaigns, as determined by the Secretary.”

PILOT GRANT PROGRAM FOR STATE NOTIFICATION TO CONSUMERS OF MOTOR VEHICLE RECALL STATUS

Pub. L. 114-94, div. B, title XXIV, §24105, Dec. 4, 2015, 129 Stat. 1704, provided that:

- “(a) IN GENERAL.—Not later than October 1, 2016, the Secretary shall implement a 2-year pilot program to evaluate the feasibility and effectiveness of a State process for informing consumers of open motor vehicle recalls at the time of motor vehicle registration in the State.
- “(b) GRANTS.—To carry out this program, the Secretary may make a grant to each eligible State, but not more than 6 eligible States in total, that agrees to comply with the requirements under subsection (c). Funds made available to a State under this section shall be used by the State for the pilot program described in subsection (a).
- “(c) ELIGIBILITY.—To be eligible for a grant, a State shall—
 - “(1) submit an application in such form and manner as the Secretary prescribes;
 - “(2) agree to notify, at the time of registration, each owner or lessee of a motor vehicle presented for registration in the State of any open recall on that vehicle;
 - “(3) provide the open motor vehicle recall information at no cost to each owner or lessee of a motor vehicle presented for registration in the State; and

“(4) provide such other information as the Secretary may require.

“(d) AWARDS.—In selecting an applicant for an award under this section, the Secretary shall consider the State’s methodology for determining open recalls on a motor vehicle, for informing consumers of the open recalls, and for determining performance.

“(e) PERFORMANCE PERIOD.—Each grant awarded under this section shall require a 2-year performance period.

“(f) REPORT.—Not later than 90 days after the completion of the performance period under subsection (e), a grantee shall provide to the Secretary a report of performance containing such information as the Secretary considers necessary to evaluate the extent to which open recalls have been remedied.

“(g) EVALUATION.—Not later than 180 days after the completion of the pilot program, the Secretary shall evaluate the extent to which open recalls identified have been remedied.

“(h) DEFINITIONS.—In this section:

- “(1) CONSUMER.—The term ‘consumer’ includes owner and lessee.
- “(2) MOTOR VEHICLE.—The term ‘motor vehicle’ has the meaning given the term under section 30102(a) of title 49, United States Code.
- “(3) OPEN RECALL.—The term ‘open recall’ means a recall for which a notification by a manufacturer has been provided under section 30119 of title 49, United States Code, and that has not been remedied under section 30120 of that title.
- “(4) REGISTRATION.—The term ‘registration’ means the process for registering motor vehicles in the State.
- “(5) STATE.—The term ‘State’ has the meaning given the term under section 101(a) of title 23, United States Code.”

TIRE RECALL DATABASE

Pub. L. 114-94, div. B, title XXIV, §24335, Dec. 4, 2015, 129 Stat. 1716, provided that:

- “(a) IN GENERAL.—The Secretary shall establish a publicly available and searchable electronic database of tire recall information that is reported to the Administrator of the National Highway Traffic Safety Administration.
- “(b) TIRE IDENTIFICATION NUMBER.—The database established under subsection (a) shall be searchable by Tire Identification Number (TIN) and any other criteria that assists consumers in determining whether a tire is subject to a recall.”

§ 30120. Remedies for defects and noncompliance

(a) WAYS TO REMEDY.—(1) Subject to subsections (f) and (g) of this section, when notification of a defect or noncompliance is required under section 30118(b) or (c) of this title, the manufacturer of the defective or noncomplying motor vehicle or replacement equipment shall remedy the defect or noncompliance without charge when the vehicle or equipment is presented for remedy. Subject to subsections (b) and (c) of this section, the manufacturer shall remedy the defect or noncompliance in any of the following ways the manufacturer chooses:

- (A) if a vehicle—
 - (i) by repairing the vehicle;
 - (ii) by replacing the vehicle with an identical or reasonably equivalent vehicle; or
 - (iii) by refunding the purchase price, less a reasonable allowance for depreciation.
- (B) if replacement equipment, by repairing the equipment, replacing the equipment with identical or reasonably equivalent equipment, or by refunding the purchase price.

(2) The Secretary of Transportation may prescribe regulations to allow the manufacturer to